



APPLICATION FOR VARIANCE

State Form 44400 (R7 / 10-13)
Approved by State Board of Accounts, 2013

INDIANA DEPARTMENT OF HOMELAND SECURITY
CODE SERVICES SECTION
302 West Washington Street, Room W246
Indianapolis, IN 46204-2739



INSTRUCTIONS: Please refer to the attached four (4) page instructions.
Attach additional pages as needed to complete this application.

Variance number (Assigned by department)

16-12-05

1. APPLICANT INFORMATION (Person who would be in violation if variance is not granted; usually this is the owner)

Name of applicant Sinergy Investments, LLC	Title Owner
Name of organization Sinergy Investments, LLC	Telephone number (812) 426-1070
Address (number and street, city, state, and ZIP code) 420 NW 5th Street, Ste 202, Evansville, IN 47708	

2. PERSON SUBMITTING APPLICATION ON BEHALF OF THE APPLICANT (If not submitted by the applicant)

Name of applicant Jan Meeks	Title Property Management Company
Name of organization Summit Real Estate Services	Telephone number (812) 426 1070
Address (number and street, city, state, and ZIP code) 420 NW 5th Street, Evansville, IN 47708	

3. DESIGN PROFESSIONAL OF RECORD (If applicable)

Name of design professional	License number
Name of organization	Telephone number ()
Address (number and street, city, state, and ZIP code)	

4. PROJECT IDENTIFICATION

Name of project West Broadway Shopping Center	State project number 379334	County Gibson
Address of site (number and street, city, state, and ZIP code) 1543 W. Broadway St., Princeton, IN 47670		
Type of project <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Change of occupancy <input checked="" type="checkbox"/> Existing		

5. REQUIRED ADDITIONAL INFORMATION

The following required information has been included with this application (check as applicable):

A check made payable to the Indiana Department of Homeland Security for the appropriate amount. (see instructions)

One (1) set of plans or drawings and supporting data that describe the area affected by the requested variance and any proposed alternatives.

Written documentation showing that the local fire official has received a copy of the variance application.

Written documentation showing that the local building official has received a copy of the variance application.

6. VIOLATION INFORMATION

Has the Plan Review Section of the Division of Fire and Building Safety issued a Correction Order?

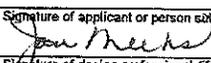
Yes (If yes, attach a copy of the Correction Order.) No

Has a violation been issued?

Yes (If yes, attach a copy of the Violation and answer the following.) No

Violation issued by:

Local Building Department
 State Fire and Building Code Enforcement Section
 Local Fire Department

7. DESCRIPTION OF REQUESTED VARIANCE		
Name of code or standard and edition involved	Specific code section	
1014.2 Egress through Intervening spaces	2.4.	
Nature of non-compliance (include a description of spaces, equipment, etc. involved as necessary.) Egress through non-customer area, stock rooms, storage area		
8. DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED		
Select one of the following statements:		
<input checked="" type="checkbox"/> Non-compliance with the rule will not be adverse to the public health, safety or welfare; or <input checked="" type="checkbox"/> Applicant will undertake alternative actions in lieu of compliance with the rule to ensure that granting of the variance will not be adverse to public health, safety, or welfare. Explain why alternative actions would be adequate (be specific).		
Facts demonstrating that the above selected statement is true: In Sears, Dollar General and Finders Keepers the rear exit is through a non-customer area that is used as a stock room, storage area for the retail businesses.		
A proposed path of exit would be painted on the floor, clearly defining the path of exit at a minimum of 44" wide serving the rear exit for Sears, Dollar General and Finders Keepers, as previously noted during the 8-5-16 inspection.		
9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE		
Select at least one of the following statements:		
<input type="checkbox"/> Imposition of the rule would result in an undue hardship (unusual difficulty) because of physical limitations of the construction site or its utility services. <input checked="" type="checkbox"/> Imposition of the rule would result in an undue hardship (unusual difficulty) because of major operational problems in the use of the building or structure. <input checked="" type="checkbox"/> Imposition of the rule would result in an undue hardship (unusual difficulty) because of excessive costs of additional or altered construction elements. <input type="checkbox"/> Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure.		
Facts demonstrating that the above selected statement is true: The installation of bollards/posts and chains will create an undue hardship on the retail users of the space making the movement of stock from one side of the space to the other very difficult as large carts or lifts are used to move the large and small stock items. The location of the bollards in effect divides the space in the middle meaning all merchandise movement will need to pass through the corridor multiple times during the normal business day.		
This will also create a financial hardship on the merchants in that the installation of the bollards and chains it will require many more hours of labor to navigate around the posts to avoid hitting and potentially damaging the posts and merchandise.		
10. STATEMENT OF ACCURACY		
I hereby certify under penalty of perjury that the information contained in this application is accurate.		
Signature of applicant or person submitting application	Please print name	Date of signature (month, day, year)
	Jan Meeks	11/3/2016
Signature of design professional (if applicable)	Please print name	Date of signature (month, day, year)
11. STATEMENT OF AWARENESS (If the application is submitted on the applicant's behalf, the applicant must sign the following statement.)		
I hereby certify under penalty of perjury that I am aware of this request for variance and that this application is being submitted on my behalf.		
Signature of applicant	Please print name	Date of signature (month, day, year)
	Enrique Covarrubias	11/3/2016

7. DESCRIPTION OF REQUESTED VARIANCE

Name of code or section and section number: **2014 IBC** Specific code section: **1014.2**
 Name of non-compliance: **Egress through intervening spaces**
 Name of non-compliance: **1014.2.1** **1014.2.2**
 Egress through non-customer area, stock rooms, storage area

8. DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED

Select one of the following statements:
 Non-compliance with this rule will not be adverse to the public health, safety or welfare; or
 Applicant will undertake alternative actions in lieu of compliance with the rule to ensure that granting of the variance will not be adverse to public health, safety, or welfare. Explain why alternative actions would be adequate (be specific).
 From demonstrating that the above proposed statement is true:
 In Sears, Dollar General and Finders Keepers the rear exit is through a non-customer area that is used as a stock room, storage area for the retail businesses.
 A proposed path of exit would be painted on the floor, clearly defining the path of exit at a minimum of 44" wide serving the rear exit for Sears, Dollar General and Finders Keepers, as previously noted during the 8-5-16 inspection.

9. DEMONSTRATION OF UNDUE HARSHNESS OR HISTORICALLY SIGNIFICANT STRUCTURE

Select at least one of the following statements:
 Imposition of the rule would result in an undue hardship (unusual difficulty) because of physical limitations of the construction site or its utility services.
 Imposition of the rule would result in an undue hardship (unusual difficulty) because of major operational problems in the use of the building or structure.
 Imposition of the rule would result in an undue hardship (unusual difficulty) because of excessive costs of additional or altered construction elements.
 Imposition of the rule would prevent the preservation of an architectural or a historically significant part of the building or structure.
 From demonstrating that the above selected statement is true:
 The installation of bollards/posts and chains will create an undue hardship on the retail users of the space making the movement of stock from one side of the space to the other very difficult as large carts or lifts are used to move the large and small stock items. The location of the bollards in effect blocks the space in the middle meaning all merchandise movement will need to pass through the corridor multiple times during the normal business day.
 This will also create a financial hardship on the merchants in that the installation of the bollards and chains will require many more hours of labor to navigate around the posts to avoid hitting and potentially damaging the posts and merchandise.

10. STATEMENT OF ACCURACY

I hereby certify under penalty of perjury that the information contained in this application is accurate.
 Signature of applicant or person submitting application: **Jan Neelis** Place print name: **Jan Neelis** Date of signature (month, day, year): **11/3/2016**
 Signature of design professional (if applicable): **Enrique Covarrubias** Place print name: **Enrique Covarrubias** Date of signature (month, day, year): **11/3/2016**

11. STATEMENT OF AWARENESS (If the application is submitted on the applicant's behalf, the applicant must sign the following statement.)

I hereby certify under penalty of perjury that I am aware of this request for variance and that this application is being submitted on my behalf.
 Signature of applicant: **Enrique Covarrubias** Place print name: **Enrique Covarrubias** Date of signature (month, day, year): **11/3/2016**



FIRE AND BUILDING CODE ENFORCEMENT INSPECTION REPORT ORDER

DIVISION OF FIRE AND BUILDING SAFETY
INDIANA DEPARTMENT OF HOMELAND SECURITY
302 WEST WASHINGTON STREET, RM E241
INDIANAPOLIS, IN 46204
TELEPHONE: 317-232-2222
WEB ADDRESS: WWW.IN.GOV/DHS

Identification Number 379334	Name of the facility WEST BROADWAY SHOPPING CENTER	County GIBSON
Address of Property 1543 W BROADWAY ST PRINCETON 47670	Name of the Contact JUDY BEEM-PROPERTY MANAGER/ENRIQI	Telephone Number (812) 454-8904
Email jbeem@summitrealestate.us	Inspection Date 08/05/2016	
Inspection Category CONSTRUCTION DESIGN RELEASE	Inspection Type INITIAL	Inspection Status: VIOLATION
Name of the inspector RYAN WINEINGER	Phone: 3174176650	
Email: rwineinger@dhs.in.gov		

Violations

VIOLATION NUMBER	RULE OR INDIANA CODE SECTION VIOLATED	DESCRIPTION OF VIOLATION	DATE BY WHICH VIOLATION MUST BE CORRECTED
1	Sec. 1014.2 2014 Edition IBC 675 IAC 13-2.6	<p>Egress through intervening spaces shall comply with this section.</p> <p>1. Egress from a room or space shall not pass through adjoining or intervening rooms or areas, except where such adjoining rooms or areas and the area served are accessory to one or the other, are not a Group H occupancy and provide a discernible path of egress travel to an exit.</p> <p>Exception: Means of egress are not prohibited through adjoining or intervening rooms or spaces in a Group H, S or F occupancy when the adjoining or intervening rooms or spaces are the same or a lesser hazard occupancy group.</p> <p>2. An exit access shall not pass through a room that can be locked to prevent egress.</p> <p>3. Means of egress from dwelling units or sleeping areas shall not lead through other sleeping areas, toilet rooms or bathrooms.</p> <p>4. Egress shall not pass through kitchens, storage rooms, closets or spaces used for similar purposes.</p> <p>Exceptions:</p> <p>1. Means of egress are not prohibited through a kitchen area serving adjoining rooms constituting part of the same dwelling unit or sleeping unit.</p> <p>2. Means of egress are not prohibited through stockrooms in Group M occupancies when all of the following are met:</p> <p>2.1. The stock is of the same hazard classification as that found in the main retail area;</p> <p>2.2. Not more than 50 percent of the exit access is through the stockroom;</p> <p>2.3. The stockroom is not subject to locking from the egress side; and</p> <p>2.4. There is a demarcated, minimum 44-inch-wide (1118 mm) aisle defined by full- or partial-height fixed walls or similar construction that will maintain the required width and lead directly from the retail area to the exit without obstructions.</p> <p><u>A wall or similar construction have not been installed in the Sears, Dollar General, and Finders Keepers stock rooms, to meet condition 2.4.</u></p>	09/05/2016

2	Sec. 903.3.3 2014 Edition IBC 675 IAC 13-2.6	Automatic sprinklers shall be installed with due regard to obstructions that will delay activation or obstruct the water distribution pattern. Automatic sprinklers shall be installed in or under covered kiosks, displays, booths, concession stands, or equipment that exceeds 4 feet (1219 mm) in width. Not less than a 3-foot (914 mm) clearance shall be maintained between automatic sprinklers and the top of piles of combustible fibers. Exception: Kitchen equipment under exhaust hoods protected with a fire-extinguishing system in accordance with Section 904. <u>The rear exit corridor located in the Sears stock room is not being provided with appropriate sprinkler coverage.</u>	09/05/2016
3	Sec. 1008.1.5 2014 Edition IBC 675 IAC 13-2.6	There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except for exterior landings, which are permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2-percent slope). Exceptions: 1. Doors serving individual dwelling units in Groups R-2 and R-3 where the following apply: 1.1. A door is permitted to open at the top step of an interior flight of stairs, provided the door does not swing over the top step. 1.2. Screen doors and storm doors are permitted to swing over stairs or landings. 2. Exterior doors as provided for in Section 1003.5, Exception 1, and Section 1020.2, which are not on an accessible route. 3. In Group R-3 occupancies not required to be Accessible units, Type A units or Type B units, the landing at an exterior doorway shall not be more than 7 3/4 inches (197 mm) below the top of the threshold, provided the door, other than an exterior storm or screen door, does not swing over the landing. 4. Variations in elevation due to differences in finish materials, but not more than 1/2 inch (12.7 mm). 5. Exterior decks, patios or balconies that are part of Type B dwelling units, have impervious surfaces and that are not more than 4 inches (102 mm) below the finished floor level of the adjacent interior space of the dwelling unit. <u>The emergency exit doors located at, but not limited to, the rear of Sears and Finders Keepers, are not being provided with landings and steps.</u>	09/05/2016

Inspection Notes:

A site visit was made to meet with the new owner and property management company. I was accompanied by Judy Beem and Tyler Raben of Summit Real Estate Services, who are serving as the property manager, and owner Enrique Covarrudias. I showed them the areas where violations still exist and explained why they were violations. I spoke with project Design Professional Thomas Blyth who stated it was okay for the new owner to contact him to obtain the already completed plans and filing information.

Facility Id	Received By Name	Signature and Date
379334		